

Chapter 26 TREES, PLANTS AND SHRUBS

Note

*Prior ordinance history: R.O. 1937 §§ 237 and 634 and Ords. 846, 1147, 1509, 1514, 1568 and 1843.

26-1 Purpose.

This chapter provides for the care of trees, plants, and shrubs on city property and aids in the creation of a landscape program to enhance the beauty of the city of Sheridan. (Ord. No. 2043 § 2, 2-19-08.)

26-2 Definitions.

(a) *Street trees* are herein defined as trees, plants, shrubs, bushes and all other woody vegetation lying in the city right-of-way.

(b) *Rights-of-way* are herein defined as a strip of land occupied or intended to be occupied by a street, sidewalk, crosswalk, alley, shade tree or for another special use.

(c) *Public sidewalks* are herein defined as sidewalks located within the city right-of-way.

(d) *Park trees* are herein defined as trees, plants, shrubs, bushes and all other woody vegetation in parks having individual names, and all areas owned by the city, or to which the public has free access as a park.

(e) *Public trees* are herein defined collectively as all street trees, park trees and any other trees located on public property.

(f) *Tree Day*. The mayor of the city may annually, in the spring, issue his/her proclamation designating a day to be observed by the citizens of the city, calling upon them to devote the day to tree planting and toward the cultivation of trees and shrubbery.

(g) *City tree board* is herein defined as a group consisting of the public works director and/or one of his/her representatives, and up to six members at large one being an arborists certified by the International Society of Arboriculture (ISA), who are residents or conduct business in Sheridan and are appointed by the mayor with the approval of the city council.

(1) The term of the members other than that of the public works director or representative shall be two years except that the term of half of the initial at large appointees will be for one year. In the event of a vacancy during the term of any appointed member, his/her successor shall be appointed by the mayor for the unexpired portion of the term.

(2) At large members of the board shall serve without compensation.

(3) It shall be the responsibility of the city tree board to study, investigate, counsel, and develop written standards, rules and regulations for the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs in public ways, streets and alleys. Such standards will be presented to the city council and upon their acceptance and approval, shall constitute the official city "tree rules and regulations", and shall constitute the official comprehensive city tree plan for the city of Sheridan, Wyoming.

(4) The city tree board, when requested by the city council, shall consider, investigate, make findings, report, and recommend upon any special matter or question coming within the scope of its responsibilities.

(5) The city tree board shall choose its own officers, make its own rules and regulations consistent

with the provisions of this chapter, and keep a journal of its proceedings. A majority of the members shall be quorum for the transaction of business. (Ord. No. 2043 § 2, 2-19-08.)

26-3 Tree size and species.

(a) The following tree size classification shall apply in subsequent sections:

Small tree	Up to twenty-five feet projected height at maturity.
Medium tree	Twenty-five to forty feet projected height at maturity.
Large trees	Over forty feet projected height at maturity.

(b) New plantings of the following nuisance species as determined by tree board regulation shall be prohibited on the right-of-way of any street, alley, or public sidewalk. Those species of trees include: elms susceptible to Dutch elm disease, Lombardy poplar, white poplar, weeping willow, cottonwoods, box elder, upright evergreens, Russian olive, flowering crab, mountain ash, cut leaf weeping birch, any tree, shrub or hedge which by its habit of growth cannot be maintained to a single leader or trunk, any tree, shrub or hedge which by its habit of growth would obstruct, restrict or conflict with necessary and safe use of the public right-of-way, such as upright evergreens including spruce, pine, juniper, etc. (Ord. No. 2043 § 2, 2-19-08.)

26-4 Distance from street corners and fire hydrants.

No street trees shall be planted closer than thirty feet from any street corner, measured from the point of the nearest intersecting curbs or curb lines. No street tree shall be planted closer than ten feet from any fire hydrant. (Ord. No. 2043 § 2, 2-19-08.)

26-5 Distance from curbs and public sidewalks.

The distance trees may be planted from curbs or curb lines and public sidewalks will be in accordance with the tree species size classes listed in section 26-3 of this chapter, and no trees may be planted closer to any curb or public sidewalk than the following: small trees-two feet, medium trees-three feet, and large trees-four feet. (Ord. No. 2043 § 2, 2-19-08.)

26-6 Utilities.

No street trees other than the small trees described in section 26-3 of this chapter may be planted under or within ten lateral feet of any overhead utility wire, or over or within five lateral feet of any underground water line (with the exception of underground irrigation systems), sewer line, transmission line or other utility. (Ord. No. 2043 § 2, 2-19-08.)

26-7 Public tree care.

The city shall have the right to plant, prune, preserve, and remove trees, plants, and shrubs within the

rights-of-way of all streets, alleys, avenues, lanes, squares and public grounds, as may be necessary to insure safety when servicing city utilities or to preserve the symmetry and beauty of such public grounds. The city may at its option, remove or cause to be removed any public tree or part thereof which presents an unsafe condition or which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines, or other public improvements. (Ord. No. 2043 § 2, 2-19-08.)

26-8 Height—Corner clearance.

(a) No person shall maintain any tree, bush or hedge in or bordering any street or alley right-of-way with any branch or limb which is less than eight feet above the surface of that portion of such right-of-way which extends from the right-of-way line to the curb line; or which is less than twelve feet above the surface of that portion of such right-of-way which extends from the curb line to a point ten feet beyond the curb line; or which is less than eighteen feet above the surface of that portion of such right-of-way which extends beyond a point ten feet from the curb line.

(b) To provide clear visibility at street intersections, no person shall maintain any tree limb or branch which is less than eight feet in height, or allow any tree trunk, within the triangular area at any street intersection corner which is formed by the intersecting street curb lines and a diagonal line joining said curb lines at points which are thirty feet distant, measured along said curb lines, from their projected point of intersection.

If owners do not correct such problems, the city shall notify property owners in writing. If owners are advised of the above mentioned problems and they are not corrected within ten days, the city shall remove the problem trees or limbs and the cost thereof shall be assessed to the owner. Such trimming will be confined to the area immediately above the right-of-way. (Ord. No. 2043 § 2, 2-19-08.)

26-9 Application/Permit for trees located in the right-of-way.

No person or company shall plant, remove, cut above the ground, or disturb any tree on any street, park, or other public place without first filing an application and procuring a permit from the city. The person receiving the permit shall abide by the standards set forth in this chapter. Permits are issued free by contacting city hall. (Ord. No. 2043 § 2, 2-19-08.)

26-10 Mutilating trees/topping.

No person shall willfully, without permission of the owner, destroy, break, or mutilate any growing trees in the city. It is unlawful as a normal practice for anyone to top any street tree, park tree, or other tree on public property. Topping is defined as the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical, may be exempted from this chapter at the determination of the city tree board. (Ord. No. 2043 § 2, 2-19-08.)

26-11 Dead or diseased tree removal on private property.

The city shall advise private land owners as to the proper way to remove any dead or diseased trees on private land within the city, when such trees constitute a hazard to life and property, or harbor insects or disease which constitutes a potential threat to other trees within the city. If owners are advised of the above mentioned problems of hazard trees and action is not taken to correct the problem within thirty

days, the same may be removed or cause to be removed by the city and the cost thereof shall be assessed to the owner. (Ord. No. 2043 § 2, 2-19-08.)

26-12 Trees already in place.

Trees already in place and growing at the date of the ordinance codified in this chapter shall be exempt from sections 26-4, 26-5, and 26-6. However, any new or replacement trees shall be governed by those sections. (Ord. No. 2043 § 2, 2-19-08.)

26-13 Improper planting.

Whenever a tree or shrub is planted in conflict with the provisions of this chapter, the city shall notify the landowner in writing. If the landowner has not corrected the problem within ten days, the same may be removed or caused to be removed by the city and the cost thereof shall be assessed to the owner. (Ord. No. 2043 § 2, 2-19-08.)

26-14 License and bond.

(a) It is unlawful for any person or firm to engage in the business or occupation of pruning, treating, or removing public trees, or trees on private property within the city without first applying for and procuring a license from city hall. Applicants shall pass a written examination to insure they are qualified and knowledgeable in tree pruning standards. Arborists certified by the International Society of Arboriculture (ISA) will be exempt from the examination. License fee and licenses will not be required for any public service employee or city employee doing such work in the pursuit of their public service endeavors. The applicant for a tree trimmer's license must be experienced in his business and his application for a license shall be in writing and delivered to the city clerk. It shall state the full name of the applicant, and if a firm, the name of all the members thereof, his existing or proposed place of business, and the name and style under which the business is to be carried on.

(b) A tree trimmer's license may be granted only to qualified tree trimmers by the city, upon the payment of thirty-five dollars to the city clerk and upon satisfying the city that the applicant has requisite qualifications.

(c) All tree trimmer's licenses issued under this section shall expire one year from date of issuance.

(d) Before receiving a license, the applicant for a tree trimmer's license shall execute and deposit in the office of the city clerk a surety bond to the city, in form approved by the council, in the sum of five thousand dollars, conditioned that he/she will indemnify and save harmless the city and its officials from all liabilities and from any accidents and damages caused by, or as a result of his work and arising from neglect, unskillfulness, unfaithfulness or inadequate work, that he/she will pay all fines imposed upon him/her for a violation of this chapter and that he/she will comply with all ordinances of the city concerning tree trimming.

(e) In addition to such bond, each applicant shall, for the protection of the public, place on file in the office of the city clerk, a policy of public liability insurance, in force and effect during the license period, issued by an insurance company authorized to do business in the state, in the following minimum amounts: Bodily injury liability with limits of one hundred thousand dollars for one person being injured, five hundred thousand dollars for injuries arising out of any one accident and fifty thousand dollars property damage. (Ord. No. 2043 § 2, 2-19-08.)

26-14.01 Duties of care toward public.

(a) Tree trimmers will safeguard all persons and property from injury during the operation of cutting down trees or by trimming off parts thereof, and will exercise every precaution in connection therewith by giving warning to all persons who might possibly be injured by falling trees and limbs and by erecting street and sidewalk barriers to avoid accidents of every nature.

(b) Tree trimmers shall clean up all branches, stumps, logs, chips, leaves and twigs scattered as a result of their work and will thoroughly and completely pick up and remove all of the same from streets, sidewalks and alleys.

(c) Tree trimmers shall carefully transport logs, stumps, limbs, twigs, chips, leaves and tree trimmings of every nature over the streets and alleys of the city so that there shall be no scattering of such debris during the transportation thereof, to a dumping place approved and designated by the superintendent of the department of health and safety of the city.

(d) Persons trimming trees on their own property are not required to comply with the terms of this chapter pertaining to licensing or posting of a bond and insurance, but are otherwise regulated by and subject to section 26-14-01.

(e) Additionally, applicants must provide a list of references. The city will give preference to arborists certified by the (ISA) or companies with a certified arborist on staff when performing maintenance on public trees.

(f) Upon more than one conviction of any person for the violation of this section, the license of such person to trim trees shall be revoked. (Ord. No. 2043 § 2, 2-19-08.)

26-15 Interference with city tree board.

(a) It is unlawful for any person to prevent, delay, or interfere with the city tree board, or any city employee, while engaging in and about the planting, cultivating, mulching, pruning, spraying or removing of any trees or shrubs authorized in this chapter. The city may at its option, when advised by the city tree board cause the removal of dead or diseased trees from private property.

(b) Prior to removal of dead or diseased trees by the city, the city shall provide written notice to the property owner. Should the property owner contest the fact that the tree is diseased, they may request a hearing in front of the city council of the city. Said hearing shall be conducted pursuant to the Wyoming Administrative Procedures Act. If a hearing shall be requested, the city shall not cause the removal of the dead or diseased tree until the completion of the hearing. The provisions of this paragraph shall not apply in case of an emergency. Cases of emergency are defined as conditions which pose an immediate safety or health hazard to the public. (Ord. No. 2043 § 2, 2-19-08.)

26-16 Review by the city council.

The city council of the city shall have the right to review the conduct, acts, and decisions of the city tree board. Any person may appeal from the ruling of order of the city tree board to the city council that may hear the matter and make final decision. (Ord. No. 2043 § 2, 2-19-08.)

26-17 Penalty.

Any person violating any provision of this chapter shall be, upon conviction or a plea of guilty, punished as provided in the city code, section 9-1. (Ord. No. 2043 § 2, 2-19-08.)